

## TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

Notice of Grant of Security Interest

## CONVEYING PARTY DATA

| Name                                  | Formerly | Execution Date | Entity Type            |
|---------------------------------------|----------|----------------|------------------------|
| Keystone Retaining Wall Systems, Inc. |          | 10/31/2003     | CORPORATION: MINNESOTA |

## RECEIVING PARTY DATA

|                   |  |
|-------------------|--|
| Name:             | Wachovia Bank, National Association, as Administrative Agent |
| Street Address:   | 201 S. College Street  |
| Internal Address: | Charlotte Plaza, CP-8  |
| City:             | Charlotte  |
| State/Country:    | NORTH CAROLINA   |
| Postal Code:      | 28288-0680   |
| Entity Type:      | national banking association: UNITED STATES                  |

## PROPERTY NUMBERS Total: 8

| Property Type        | Number  | Word Mark   |
|----------------------|---------|---|
| Registration Number: | 2655602 | REGAL STONE   |
| Registration Number: | 2577249 | SEDONA STONE  |
| Registration Number: | 2414204 | KEYWALL   |
| Registration Number: | 2290787 | KEYSTONE RETAINING WALL SYSTEMS THE FIRST. TO LAST. |
| Registration Number: | 2156217 | HERITAGESTONE                                       |
| Registration Number: | 2232524 | ARBOR STONE   |
| Registration Number: | 2072726 | LEGACY STONE  |
| Registration Number: | 2468614 | KEYSTONE RETAINING WALL SYSTEMS                     |

## CORRESPONDENCE DATA

Fax Number:

(919)286-8199

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone:

919 286-8122

Email:

PTO\_TMconfirmation@mvalaw.com

|                     |                              |
|---------------------|------------------------------|
| Correspondent Name: | Moore & Van Allen PLLC       |
| Address Line 1:     | 2200 West Main Street        |
| Address Line 2:     | Suite 800                    |
| Address Line 4:     | Durham, NORTH CAROLINA 27705 |

|                         |             |
|-------------------------|-------------|
| ATTORNEY DOCKET NUMBER: | 512485.1177 |
|-------------------------|-------------|

|                    |                  |
|--------------------|------------------|
| NAME OF SUBMITTER: | Steven D. Thomas |
|--------------------|------------------|

Total Attachments: 4

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NOTICE OF  
GRANT OF SECURITY INTEREST  
IN TRADEMARKS

United States Patent and Trademark Office

Gentlemen:

Please be advised that pursuant to the Security Agreement dated as of October 31, 2003 (the "Security Agreement") by and among the Obligors thereto (each an "Obligor" and collectively, the "Obligors") and Wachovia Bank, National Association, as Administrative Agent (the "Administrative Agent") for the lenders referenced therein (the "Lenders"), the undersigned Obligor has granted a continuing security interest in and continuing Lien upon, the trademarks and trademark applications shown below to the Administrative Agent for the ratable benefit of the Lenders:

TRADEMARKS

| <u>Trademark No.</u> | Description of<br><u>Trademark</u> | <u>Date of Trademark</u> |
|----------------------|------------------------------------|--------------------------|
|----------------------|------------------------------------|--------------------------|

See Schedule 1 attached hereto

TRADEMARK APPLICATIONS

| <u>Trademark Application No.</u> | Description of Trademark<br><u>Applied For</u> | Date of Trademark<br><u>Application</u> |
|----------------------------------|--|---|
|----------------------------------|--|---|

See Schedule 1 attached hereto

The undersigned Obligor and the Administrative Agent, on behalf of the Lenders, hereby acknowledge and agree that the security interest in the foregoing trademarks and trademark applications (i) may only be terminated in accordance with the terms of the Security Agreement and (ii) is not to be construed as an assignment of any trademark or trademark application.

Very truly yours,

KEYSTONE RETAINING WALL SYSTEMS,  
INC., a Minnesota corporation

By: Richard J. Caserta  
Name: Richard J. Caserta  
Title: Vice President

Acknowledged and Accepted:

WACHOVIA BANK, NATIONAL ASSOCIATION,  
as Administrative Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

The undersigned Obligor and the Administrative Agent, on behalf of the Lenders, hereby acknowledge and agree that the security interest in the foregoing trademarks and trademark applications (i) may only be terminated in accordance with the terms of the Security Agreement and (ii) is not to be construed as an assignment of any trademark or trademark application.

Very truly yours,

KEYSTONE RETAINING WALL SYSTEMS,  
INC., a Minnesota corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Acknowledged and Accepted:

WACHOVIA BANK, NATIONAL ASSOCIATION,  
as Administrative Agent

By: JSPH  
Name: Leanne S. Phillips  
Title: Vice President

**Schedule 1**

**Keystone Retaining Wall Systems, Inc.  
(Minnesota Corporation)**

**U.S. Trademarks**

**Registered Marks**

| <b>Mark</b>   | <b>Reg. No.</b> | <b>Reg. Date</b> |
|---|-----------------|------------------|
| REGAL STONE   | 2655602         | 12/3/02          |
| SEDONA STONE  | 2577249         | 6/11/02          |
| KEYWALL   | 2414204         | 12/19/00         |
| KEYSTONE RETAINING WALL SYSTEMS THE<br>FIRST TO LAST AND DESIGN | 2290787         | 11/9/99          |
| HERITAGESTONE   | 2156217         | 5/12/98          |
| ARBOR STONE   | 2232524         | 3/16/99          |
| LEGACY STONE  | 2072726         | 6/17/97          |
| KEYSTONE RETAINING WALL SYSTEMS                                 | 2468614         | 7/17/01          |